

Relying on Luck or Providence: Recent research findings on how school principals ensure the legal safety of their schools

Trimble, A. ^{1*}

¹University of Tasmania

*Corresponding author email: Allison.Trimble@utas.edu.au

ABSTRACT

This paper outlines recent research conducted in Tasmania concerning the impact of legal issues on the working lives of school principals across the Government, Catholic and Independent school sectors. The study focused on the areas of principals' legal literacy (encompassing the legal areas they deal with, the accuracy of their legal knowledge and confidence in that knowledge, and sources of their legal information) and legal consciousness; the legal context faced by principals; negative impacts of their legal dealings, and ways principals consider their legal supports might be improved. Whilst some of the findings from this research accord with the previous studies conducted by Stewart (1996) and McCann (2006), a number of the findings present new perspectives on school principals' dealings with legal issues.

The research was based on a quan + QUAL mixed methods inquiry in which data were collected through an on-line survey of Tasmanian principals and a series of semi-structured interviews with a range of people in Tasmanian education, including principals, principal supervisors, system leaders, administrators and a Government education lawyer. The study was the first of its kind in Australia to begin to address the experiences of Independent school principals together with their colleagues from other systems, as well as providing a more complete and rounded picture by including the views of practising principals and other informed perspectives.

Two findings from the study have particular relevance in relation to *Education for a Safe World*: the impact of principals' legal consciousness (beliefs, not knowledge) regarding school safety; and safety for principals, in terms of the legal support framework within which they make legal decisions.

KEYWORDS

education law; school principal; school law; legal environment

1 INTRODUCTION

The importance of law and legal issues in the work of Australian school principals, and the operation of their schools, has never been higher (Teh, 2014, Lock and Lummis, 2014). Contemporary school leaders face an ever-expanding range of legal issues, areas of law are becoming more complex, and there is a widely-held perception that school stakeholders increasingly turn to the law to settle disputes (D'cruz, 2016). At the same time, principal preparation and development in education law may not have kept pace with the growing legal demands. School leaders in Australia and elsewhere have generally been found to possess a low level of legal literacy (Findlay, 2007, McCann, 2006). This paper provides an overview of recent doctoral research, *Education law, schools, and school principals: A mixed methods study of the impact of law on Tasmanian school principals*, which examined the impact of education law on the work of school principals from the Government, Catholic, and Independent sectors in Tasmania, Australia.

2 EARLIER RESEARCH

Australian research concerning the impact of education law — “Those areas of jurisprudence that bear on the operation of ... schools.” (Alexander and Alexander, 2011) — on school principals is limited. Two major studies, undertaken by Stewart (1996) and McCann (2006), were both located in Queensland. While not the earliest Australian education law research, Stewart’s (1996) survey-based inquiry was the first to comprehensively examine the legal burdens borne by Government school principals. That study was followed up a decade later by McCann (2006), whose research largely replicated the Stewart methodology but focused on the experiences of Catholic school principals. These studies provided important background for the present research.

3 RESEARCH PROBLEM AND QUESTIONS

In this study, a number of specific research questions were developed to address the overarching question: *What impact does education law have on Tasmanian school principals?*

- RQ 1. What is the legal literacy of Tasmanian school principals?
 - With which legal areas do Tasmanian school principals have dealings?
 - What level of legal knowledge do Tasmanian school principals hold?
 - What sources of legal information and advice do Tasmanian school principals consult?
- RQ 2. What level of legal knowledge do Tasmanian school principals hold?
- RQ3. What sources of legal information and advice do Tasmanian school principals consult?

- RQ 4. Do Tasmanian school principals recognize and negative impacts from dealing with legal matters?
- RQ 5. How do Tasmanian school principals suggest their education law support be enhanced?

4 RESEARCH METHODS

This study used a mixed methods methodology, within a Pragmatic paradigm. A concurrent triangulation design (Cresswell et al., 2003, Tashakkori and Teddlie, 1998) was adopted, consisting of two main phases: quantitative, and qualitative, data collection, analysis, and findings. The qualitative phase was given priority over the quantitative (quan + QUAL) (Morse, 1991), as set out in Figure 1.

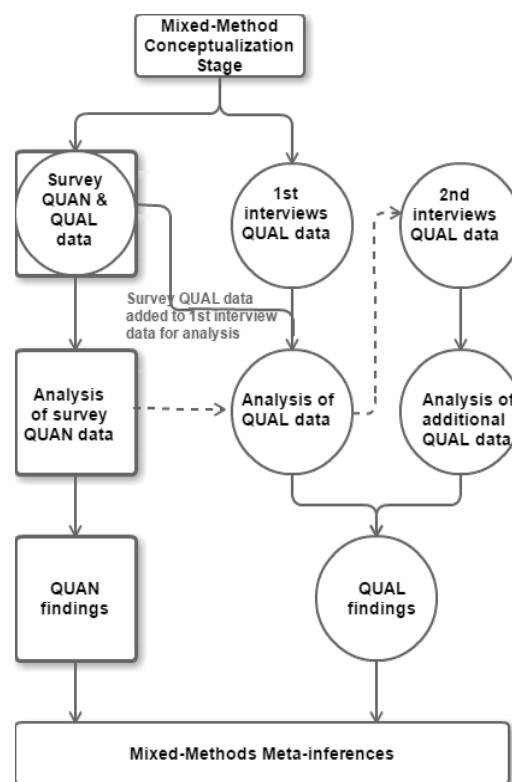


Figure 1. Partially mixed, convergent parallel mixed-methods research design, adapted from Cameron (2009), p. 147.

A 12 month suspension occurred after collection of the survey data and initial interviews. On recommencing the research, analysis of the data indicated the study was confirming earlier research findings. (Mccann, 2006, Stewart, 1996). That analysis also highlighted emergent issues concerning the legal environments facing principals, their beliefs about the law, and the adequacy of legal supports available to them. Those matters were followed up in subsequent interviews.

Quantitative data were collected through an on-line survey. Principals from 34

Tasmanian schools (23 Government, 3 Catholic, and 8 Independent) responded. Survey items addressed participants' legal preparation and development, areas of law they had dealt with, information sources they relied upon in relation to legal matters, time spent on legal dealings, legal stress, and ways in which their legal support could be enhanced. The data were analyzed using descriptive statistics, as appropriate for analysis of quantitative data in mixed method studies that are exploratory in nature and where the objective is to extend existing knowledge (Onwuegbuzie and Teddlie, 2003). Some 26 semi-structured interviews were also conducted. To achieve an holistic triangulation of data and a more complete understanding of the subject (Turner et al., 2017), interviews were conducted with school principals, and also with principal network leaders (supervisory principals), senior system leaders, educational administrators and an education lawyer. Iterative thematic analysis using a constant comparison technique was used to analyse the qualitative data (Percy et al., 2015).

Survey content validity was established through reliance on items used in previous studies (Stewart, 1996, Mccann, 2006), scrutiny by a small, expert panel, and pilot testing. Trustworthiness of the qualitative data and findings was based on: use of low-inference descriptors (Cohen et al., 2011); member checking (Ivankova, 2014); data collection until saturation (Kitto et al., 2008); inclusion of negative cases (Hesse-Biber, 2010); thick descriptions (Cresswell and Plano Clark, 2007); and explicit reflexivity by the researcher (Kitto et al., 2008).

5 RESULTS AND DISCUSSION

5.1 RQ 1 – What is the legal literacy of Tasmanian school principals?

This research question was examined through three separate sub-topics: areas of law dealt with; principals' legal knowledge; and legal information sources consulted by principals.

5.1.1 *Areas of law dealt with.*

Survey participants indicated involvement in an extremely broad range of legal issues during their principalships — see Table 1. The data were consistent with previous studies (Mccann, 2006, Stewart, 1996). Viewed overall, the results clearly indicated that the greatest majority of participants had most legal dealings with matters associated with the well-being of students and their families, staff and school communities – the internal stakeholders of schools.

Table 1: Areas of Education Law Dealt with by Participants

#	Areas of Education Law Dealt With	Responses (n=30)	%
1	Education issues (includes enrolment, home schooling & absenteeism)	29	97%
2	Duty of care issues (includes injuries, supervision & negligence)	26	87%
3	Child welfare issues (includes out-of-home care, abuse & neglect)	25	83%
4	Employment issues (includes workers' compensation, OH&S, teacher registration & workplace relations)	23	77%
5	Family law issues (including divorce, separation, parental responsibility, residence & changing names)	23	77%
6	Social security issues (including school attendance requirements & income entitlements)	18	60%
7	Discrimination issues (includes race, disability, gender, sexual orientation & pregnancy)	16	53%
8	Copyright issues (including reproduction limitations and school exemptions)	16	53%
9	Criminal law (includes drugs, assault, theft, property damage, & search and seizure)	15	50%
10	Privacy/FOI issues (dealing with information)	13	43%
11	Fund-raising issues (including unincorporated associations, donations, sponsorship, lotteries & accounting requirements)	12	40%
12	Immigration issues (includes visas, residence, asylum and immigration claims)	9	30%
13	Defamation issues (including standards & defences)	4	13%
14	Other issues (Please specify)	0	0%

Interview data also emphasised legal matters concerning the safety and welfare of students and families, and school staff, including duty of care (negligent injury and supervision), family law, child welfare, and employment (workers' compensation, occupational health and safety, teacher registration and workplace relations). Participants reported that the range of law had increased in recent years, and that family law presented the greatest challenges in schools.

5.1.2 Levels of legal knowledge.

Principals' legal knowledge was assessed using a series of survey questions concerning discrimination under the *Anti-Discrimination Act 1988* (TAS). This approach has been widely used in previous Australian (McCann, 2006, Stewart, 1996) and overseas research (e.g., Eberwein, 2008, Tie, 2014). The data showed a mean score of 53% correct responses, falling well short of the widely accepted proficiency level of 70% (e.g., Findlay, 2007, Singh, 2015). Older and more experienced principals, in larger, metropolitan, and Government schools scored higher than other school leaders.

The interview data disclosed general agreement that principals require an amount of legal knowledge. Participants populated a continuum of legal capacity, from inexperienced and untrained, to very experienced and uninterested in further development. Participants identified challenges in becoming familiar with legal information, such as complexity, time, volume, language, and continual change.

5.1.3 Sources of legal information.

For routine legal matters, the information sources most relied on by participants were lawyers, law manuals and policies, and then personal/colleagues' knowledge. For non-routine problems, participants emphasised lawyers' advice, followed at some distance by colleagues'/personal knowledge, and law manuals and policies. Lawyers were considered the most useful legal source.

The data revealed three levels of legal support for Government school principals. At the school level, participants reported relying on policies, a Legal Handbook, and informal legal support from colleague principals. At a supervisory level, participants suggested legal support was available from principal network leaders and regional system staff. The Department of Education was seen to provide legal support through specialist functional staff, and lawyers from the highly regarded Legal Services unit. The data revealed that Government principals seek legal advice when in doubt, and in 'high stakes' situations. Similar legal decision support arrangements were identified for Catholic school principals. At the school level, participants reported relying on formal policies and informal support from colleague principals. At a higher level, legal support was identified from regional Tasmanian Catholic Education Office (TCEO) staff. Participants also suggested that advice on legal matters was available from the central TCEO, which facilitated legal assistance from a private law firm when required. As with Government principals, data indicated that Catholic principals seek advice when in doubt, or if possible consequences are serious.

Legal decision support for Independent school principals was different in some important respects, although participants identified support from school policies, and the sharing of legal knowledge and resources by colleagues. Critically, however, Independent principals have no systemic hierarchy to rely on. Several leaders of well-resourced schools reported that they overcame this challenge by employing specialist advisors within the school organisation and maintaining an on-going client relationship with a law firm. Other Independent school principals indicated that they had limited education law knowledge and experience, and few legal resources on which to call. The data suggested that, for some Independent principals, the cost of seeking legal advice from private practitioners may be a

barrier to their securing expert legal support.

5.2 RQ 2 What is the legal consciousness of Tasmanian school principals?

Legal consciousness, a term adopted from the sociology of law, refers to the meanings accorded to laws by every-day, (that is non-legally-trained) people in their working and personal lives (Halliday and Morgan, 2013). When participants in this study were asked what education law meant to them, several referred to legislation and rules. For example, Principal Perry referred to, “Accountability, I suppose; rules, regulations, DoE policies, procedures.” Such responses reflected the textbook wisdom that education law is constituted by the legislation, case decisions, and legal principles that impact on the operation of schools. However, other responses suggested that this understanding may not reflect the whole story.

The data indicated that principals’ subjective beliefs *about* the law may inform their legal decision making. One theme identified within the data was identification of law with safety. System Leader Jersey described law as, “Safety, because it’s about keeping us safe, and everybody safe, kids safe.” Principal Drew explained law was, “Ensuring that everyone in the organization, and it’s mostly students, are safe.” This correspondence of law and safety can be identified in Principal Network Leader Frances’ response about restraining a violent student, “A violent child needed to be restrained for the safety of other children ... If it’s based on safety I think that’s fair enough.” Several participants observed that, provided their actions were motivated by ensuring the safety of students or staff, that would be a sufficient legal defence — which may or may not have been the case.

5.3 RQ 3 What is the legal environment faced by Tasmanian school principals?

This question addressed the legal contexts of school leadership and management. The conceptual framework for the study combined systems and organisation theory to produce a view of the school as an open system, with internal and external legal environments and porous boundaries (Cummings and Worley, 2014) The internal legal environment consisted of school stakeholders, including students and their families, staff members, unions, businesses, governance bodies and the wider community (Fassin, 2009). It is from these stakeholders that many legal issues arise. The school’s external legal environment consists of both State and non-State elements. The State-based impacts include: law-makers, such as the courts and legislators (Cummings and Worley, 2014); legitimating authorities (Drori and Honig, 2013); and certain change agents. Writers (e.g., Ballantine and Spade, 2011, Lunenburg and Ornstein, 2012) have also introduced the idea of non-State actors, such as

social movements, being located in schools' external environments (Levitsky, 2015, Morrill and Chiaretto, 2013). The principal is the school's boundary-spanner, monitoring change where the organisation connects with its external environment, and acting to bridge or buffer the change as appropriate (Bush, 2017, Di Paola and Tschannen-Moran, 2005).

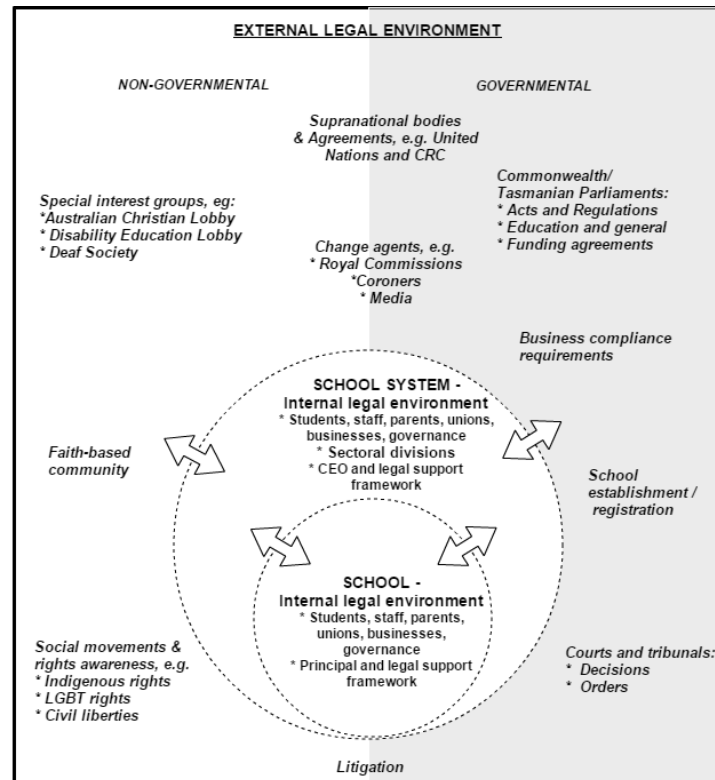


Figure 2. Legal environments of schools showing details from study findings.

The qualitative data collected for the study contained considerable material regarding external and internal influences on principals' legal decision making, shown in Figure 2. External influences included the United Nations' *Convention on the Rights of the Child* (1989) and the right to education, as well as the Royal Commission into Institutional Responses to Child Sex Abuse. Several participants mentioned the impact of Coroner's findings regarding the death of a government high school student (*Levi, R. (2012) TASC 92*). System Leader Judy, a very senior leader within the government system, noted:

The drowning of the young fellow up in the Northwest, where there wasn't permission ... The flow-on effect is that you just tighten up every guideline and make sure everyone knows. The impact throughout the Department was massive.

The interview data also raised general issues relevant to the school's internal legal environment. The concept of legal risk management was mentioned by many participants, in terms of the common law duty of care owed to students and staff, as well as the principal's obligation to provide a safe workplace under the *Work Health and Safety Act 2012* (Tas).

Several participants commented on the legalised environment within which schools now operate and the ramifications of this change for school leaders. System Leader Jersey observed:

Leaders in schools recognize that we're in a litigious society now, and so they're very much more careful around the enactment of policies and practices in their schools, and they're also more transparent about their processes. They seek advice more readily; they share what's going on at an earlier stage. There's a sense that it's really important to be aware of all this information, and naivety or ignorance won't stack up.

Participants also suggested that the particular institutional context of a school, such as its operation as a business, or a faith community, exerted a very real influence on principals' legal decision making. It was in the latter context of leading a small, faith-based school that Principal Ainsley expressed a unique perspective on education law:

I don't think we've always dealt with things well ... We haven't always been very careful. In hindsight we were pretty careless in many ways. ... I'm having trouble trying to work out if that's good [not having legal problems] or if we were just lucky, or it's the fact that we have Divine intervention. ... We feel very blessed that we didn't have to cope with legal issues.

5.4 RQ4 — Do Tasmanian school principals recognise any negative impacts from dealing with legal matters?

The data revealed that, while principals' dealings with legal issues constitute an important part of their work as school leaders, their legal responsibilities can impose a cost, both professionally and personally. Negative impacts identified by participants included the financial costs of obtaining legal advice, lost learning opportunities when legal risk decisions are influenced by excessive caution, as well as costs in principals' time away from their instructional leadership role, and principals' stress.

The financial cost of obtaining legal advice was highlighted by several participants from the Catholic and Independent sectors. In relation to a protracted and complex legal matter Principal Kelsey, leader of a Catholic school, observed, "Hopefully it doesn't happen too often, because the school foots the bill. And as you can imagine the amount of money involved, legal fees, starts to mount up." By contrast, Legal Officer Elliott advised that government school principals have direct access to legal advice from the Department's Legal Services unit, at no cost. Participants from across all three sectors identified the costs of misjudged legal risk decisions on the quality of student learning experiences. Principal Network Leader Frances suggested, "There's a need for this stuff [risk management], but it might be starting to limit the sorts of activities and interesting things we can offer."

In terms of principals' time, this study found a third of the sample reported spending a

minimal time (less than one hour) each week dealing with legal matters while the remaining two-thirds were involved with legal matters for a greater time each week, with a mean involvement of almost two hours. The qualitative data strongly emphasised that legal issues were seen by principals as complex, lengthy, and distracting. For example, Principal Bailey's commented, "The business of education is very time-consuming", and Principal Clark observed that, "If we get too strung up on the law it will take us away from our bread and butter."

The survey responses about principals' legal stress showed 39% of participants felt legal problems caused them stress, 36% found legal problems more stressful than other management issues and 31% considered that their legal stress had increased over time. It was in the qualitative data that the lived experience of principals' legal stress was described. Participants used words like *fear*, *worry*, *inadequate*, *overwhelmed* and *underprepared*. The theme of isolation was expressed throughout the data. Principal Sydney referred to, "A very lonely job", while System Leader Cameron described feeling, "Like you're handling something on your own, or you're the first person ever to get this particular problem." Many participants emphasised the importance of being able to share their concerns with professional colleagues or spouses.

5.5 RQ5 — How do Tasmanian school principals suggest their education law support be enhanced?

The final research question for the study sought to discover the views of Tasmanian school principals about ways in which their legal support might be improved. The question did not presuppose any adverse judgement concerning present legal support arrangements (indeed, some participants felt no change was warranted) but simply asked for ideas to improve principals' legal lives. The findings were mixed, and varied. Survey data focused on legal CPD concerning the safety and welfare of school staff and students and individual rights issues. Participants favoured in-service CPD. Interview participants also suggested more legal CPD would be useful. They emphasised: contextually tailored learning; training conducted incrementally and over time; policy guidance on stages at which legal advice should be sought; the links between ethical and legal issues; the particular legal advice needs of small, less well-resourced Independent schools; and the issue of inconsistent legal credentialing. Weaknesses in pre-service teacher legal preparation were also raised as an issue.

6 DISCUSSION

6.1 RQ 1 – What is the legal literacy of Tasmanian school principals?

It is apparent from present and previous education law studies that the legal areas dealt with by school principals are not static. Issues arise in relation to virtually any aspect of the law, and the law itself is continually changing through legislative activity and judicial decision making. There is, however, a range of legal areas that principals across the three education sectors recognise as impacting their schools. Within that range are core issues, foremost in principals' consideration, relating to the safety and welfare of students and their families, and school staff. They include: education; duty of care (negligence); child welfare; employment; family law; and discrimination. Some legal issues may have serious consequences for the parties involved, and may prove exceptionally time-consuming and highly stressful for the principal, as well as potentially damaging to the effective management of the school organisation. In such circumstances, a school leader may need access to a legal expert who can provide sound legal decision support.

It has become normative in Australian and North American research for participants to be asked a series of legal questions in a survey, with the aim of assessing their level of legal knowledge. In the present study the results indicated that overall the participants' legal knowledge was limited. However, a pass/fail judgement was not the prime objective of this study. It was considered that while principals' detailed understanding of law, on a single focused topic or across a broad range of areas, may be an important element of the education law picture, it should not be the sole matter taken into consideration. Principals' dealings with legal issues may also be influenced by their legal consciousness, the legal support framework through which they can obtain legal decision support, their confidence in their own knowledge and disposition to seek advice, and the legal preparation and development they have received. All these aspects should be taken into account when considering school principals' legal understanding.

Many education law studies have identified sources of legal decision support consulted by principals dealing with legal matters. The findings of this study suggest that such sources constitute a framework of legal support for principals, which can be used in different ways, depending on the circumstances surrounding the legal problem. For routine legal issues that are basically familiar and occur within a relatively stable environment, principals may seek support based on proximity and ease of access, such as: their own experiential knowledge or intuition; policies and manuals that are to hand; or the knowledge and experience of a colleague principal. Advice may even be sought from a lawyer, with

convenience and cost being important factors for some principals. In relation to non-routine legal matters, however, when the decision environment may be turbulent, this study has found that the legal expertise of professional advisors becomes more important.

The present study has found that, even though their knowledge of the details of discrimination law may be limited, Tasmanian Government and Catholic school leaders are well served by a comprehensive legal support framework when they deal with legal issues. The findings of the study suggest that some Tasmanian Independent school principals may face additional challenges in dealing with legal matters due to weaknesses in their legal support frameworks, including a lack of on-going relationship with a legal advisor, the financial impact of legal fees, lack of systemic staff advice, ad hoc legal policies, and the absence of a law manual. Some Independent schools have themselves taken steps to overcome these issues. The findings of this study suggest further research should be undertaken concerning the adequacy of legal support frameworks available to, and used by, principals from less well-resourced Independent schools.

6.2 RQ 2 What is the legal consciousness of Tasmanian school principals?

In the present study, participants expressed understandings about certain forms of behaviour they believed to provide a shield or defence, even against legal liability. As is the case with a principal's knowledge *of the law*, beliefs *about the law*, like those identified in the course of this study, may or may not reflect the provisions of the law. But whether or not they are legally accurate, it appears that they may, to some degree, influence principals' legal decision making. As such the findings of this research suggest that principals' legal consciousness should be investigated to ascertain if, and to what extent, those beliefs provide schemas or interpretative frameworks for principals' legal decision making. The present study has highlighted legal consciousness as a potentially new aspect of school principals' legal decision making, which warrants further inquiry.

6.3 RQ 3 What is the legal environment faced by Tasmanian school principals?

This study explicitly adopted an open systems view of school organisations and education law, which perspective conceptualised the school, and its legal decision maker (the principal), as subject to both an internal and external legal environment. The findings of the study revealed that the contemporary Tasmanian principal sits within a complex web of legal influences. Some of these environmental elements are direct and obvious (for example, legislation, judicial decisions, and litigation are acknowledged throughout education law research and literature). Other aspects, such as the influence of environmental change

agents, have received very limited research and scholarly consideration. The study findings supported the open systems' understanding that the legal environments of a school organisation are particular to that institution, and dependent on the particular actors and relationships involved. Such environments are not fixed and will evolve and change over time. The layers of environmental influence add to the complexity of legal influences on the school and its principal. In seeking to understand how legal matters are dealt with in a particular school, this research suggests that the legal decisions of the principal' should be considered in light of these school's legal environmental factors.

6.4 RQ4 — Do Tasmanian school principals recognise any negative impacts from dealing with legal matters?

Literature on education law consistently emphasises the benefits of managing a school in accordance with legal principles, pointing to the protection of individual rights, students' safety, and maintenance of good order (Eberwein, 2008, Shariff, 2004, Wagner, 2007). Such attributes are not disputed. However, this research found that legal issues in schools may be accompanied by unintended consequences requiring consideration, including the financial cost of legal advice, sterilization of learning experiences from excessive risk-averse decisions, the time demands of dealing with legal issues, and principals' legal stress.

The topics of time and stress have been addressed in the previous Australian research (McCann, 2006, Stewart, 1996, Teh, 2008). The findings in the present study, as to both the time taken up by dealing with legal matters and the levels of stress self-identified by participants, were noticeably lower than those reported by Stewart (1996) and McCann (2006). This may have resulted from differences in principal preparation and development between Tasmania and Queensland, the adequacy of the legal support frameworks surrounding many of the participants in the present study, or particular characteristics relating to the principals, their schools and their internal and external legal environments. The available data does not provide any firm explanation for the variation in findings. Even though the numerical measures of time and stress in this study were lower than found in previous research, the qualitative data in this study emphasised the importance of the identified costs for the principals and schools involved.

The negative impacts identified in this study (with the exception of the financial cost aspect) represent important feedback for the school as a legal organisation (Stewart, 1996, Martz, 2013). In terms of a school's core activities, the specified negative impacts have relevance for teaching and learning within the school and the principal's responsibility as its instructional leader (Catano and Stronge, 2007, Ross and Cozzens, 2017). Through a

misapplication of the principles of legal risk management, or an unfounded fear of litigation, principals may unnecessarily remove valuable student learning opportunities from the school program, and hence adversely affect the students' learning experiences. The time taken by a principal to deal with legal issues may impact on the school leader's capacity to undertake other important leadership roles, and the quality of teaching and learning in the school may suffer as a consequence. If the legal stress experienced by a school principal reaches an unhealthy level (Maxwell and Riley, 2017), then the negative impacts on their well-being are likely to affect the principal's ability to lead the school's teaching and learning.

Excessive legal caution, stress, or even time spent dealing with legal issues may be an indicator that the principal's personal legal knowledge is inadequate to deal with a legal problem, that the nature of a problem may be one where expert advice is appropriate, or that it may have been appropriate to seek expert legal decision support at an earlier stage of proceedings. Failure to heed such feedback messages and institute some corrective action may affect the future operation of the organisation as a whole (Lunenburg, 2010, Bush, 2011). Such feedback may be addressed by improving the accuracy of principals' legal knowledge through principal preparation and development, strengthening principals' legal support frameworks to ensure school leaders can access sound legal decision support as required, and assisting principals' to appreciate when it may be appropriate to seek expert support from lawyers.

There may be some unavoidable level of time and anxiety related to principals' dealing with legal matters, simply because the principal is the school's legal decision maker and is not a lawyer. Nevertheless, it is clear that negative impacts, which are ultimately likely to affect the students and staff of the school, should be limited wherever possible.

6.5 RQ5 — How do Tasmanian school principals suggest their education law support be enhanced?

Although the *Australian professional standard for principals* (Australian Institute for Teaching and School Leadership, 2012) explicitly highlights the role of legal knowledge in school principals' professional practice, there is no comprehensive, coherent education law training regime for school principals in Tasmania. The available legal preparation and development opportunities are largely system-specific, sometimes conducted on an ad hoc basis, and with no comprehensive, shared curricular content. The results of this study have highlighted the need for a coordinated, whole-of-career approach regarding the education law preparation and development of school principals. This is by no means a new suggestion. In the Australian context, both Stewart (1996), and McCann (2006), recognised that the training

and experiences of future principals, during their time as pre-service teachers and within the teaching profession, contribute to the legal knowledge and beliefs those individuals bring with them to the principalship.

Further, the findings of this study indicated that some older, more experienced, Tasmanian school principals may not be attending CPD to the same degree as their younger colleagues. They should be encouraged to participate, because the law changes continually and all principals need to up-date their knowledge. It is also an opportunity for them to share their background in dealing with legal matters with less experienced colleagues. Another group of principals identified in this study as having a particular need for focused legal professional development are school leaders coming to the jurisdiction from elsewhere in Australia and overseas. There is no formal requirement for these principals to attend a legal orientation to familiarise themselves with the provisions of Tasmanian law, although this may be specified by an employing school or system. This issue is not one that has been addressed in the Australian research or in education law generally. It may be a topic for investigation in a further study.

7 CONCLUSIONS

This study examined the impact of education law on Tasmanian school principals and was exploratory in nature. It has built on the knowledge base established by Stewart (1996) and McCann (2006), by developing findings regarding a new class of principals (from the Independent sector), raising new issues (including legal consciousness and the legal support framework), and incorporating data from a wider group of informed participants. It is to be hoped that future researchers might take up some of the ideas raised by the study.

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AUTHOR BIOGRAPHY

Allison had an early career in the law, but more recently requalified as a primary school teacher. Her interest in education law began in 2011 when she conducted a small scale study with Tasmanian school principals. That work has now been expanded into PhD research, the main findings of which are reported in this paper.